

The Honorable Brian D. Lynch  
Chapter 7  
Hearing Date: November 18, 2015  
Hearing Time: 9:00 a.m.  
Response Date: November 10, 2015  
Hearing Location: Tacoma, WA

**IN THE UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

NO. 09-41660-BDL

RANDOLFF S. WESTOVER and ANDREA J.  
WESTOVER,

**MOTION TO APPROVE SALE OF THE  
ESTATE'S 1/7<sup>TH</sup> INTEREST IN  
APPROXIMATELY 357 ACRES IN  
GILLETTE, WY**

**COMES NOW** Terrence J. Donahue, duly appointed and acting Chapter 7 Trustee for the above-referenced bankruptcy estate, by and through his attorneys, Eisenhower Carlson PLLC and Terrence J. Donahue, and moves the Court for an order approving the sale of Debtors' one seventh (1/7<sup>th</sup>) interest in real property located in Gillette, WY consisting of approximately 357 acres ("Property") for a total purchase price of \$250,460.00 free and clear of any liens, interests or encumbrances. The estimated net recovery to the estate is approximately \$34,000.00.

This Motion is brought pursuant to 11 U.S.C. § 363(b), (c), (f), (h) and (m) and Fed. R. Bankr. P. 9019.

## DISCUSSION

This bankruptcy proceeding was filed on March 13, 2009.

Randolff S. Westover and Andrea J. Westover are “**Debtors**” herein and are represented by William L Beecher and Beecher & Conniff.

Terrence J. Donahue is the duly appointed and acting Chapter 7 Trustee ("Trustee").

Debtor's Schedule A—Real Property lists the Property as inherited with 6 other parties with an "unknown" value.

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IN GILLETTE, WY - 1**

TERRENCE J. DONAHUE  
Chapter 7 Trustee  
1201 Pacific Avenue, Ste. 1200  
Tacoma, WA 98402  
(253) 620-2519

1           Debtors' Schedule C—Property Claimed as Exempt lists the Property and claims an  
2 exemption under 11 U.S.C. § 522(d)(5) for 21,658.96.

3           Debtor's Schedule D—Creditors Holding Secured Claims shows no secured debt on the  
4 Property.

5           The 6 other parties in title to the Property with Debtors are other Westover family  
6 members (“**Westover Family**”). The Westover Family has been attempting to sell the Property  
7 for years. There have been issues amongst the Westover Family as to whether to sell the Property  
8 and at one point, a legal action was started or contemplated to quiet title to segregate a parcel of  
9 the Property to one of the Westover Family members who did not want to sell.

10          The Westover Family and Trustee have agreed to sell the Property to Carl F. Black and  
11 Vicky K. Black (“**Buyer**”) for \$700 per acre or approximately \$250,460.00, depending on the  
12 final acreage determination. A copy of the Purchase/Transfer Agreement (“**PSA**”) is attached  
13 hereto as Exhibit A and incorporated herein by this reference.

14          Trustee seeks authority to sell the estate’s one seventh (1/7<sup>th</sup>) interest in the Property for its  
15 proportionate share of the net sale proceeds, and to take any and all necessary steps to effect said  
16 sale, without stay under Fed. R. Bank. P. 6004(h), and seeks an order providing that the sale be  
17 free and clear of all liens, interests and encumbrances (title to be conveyed by Trustee’s Quit  
18 Claim Deed). There is no real estate commission involved.

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MOTION TO APPROVE SALE OF THE ESTATE’S  
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IN GILLETTE, WY - 2  
10304-216/TJD/693828

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2                   **CONCLUSION**

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4                   Trustee requests an order approving Trustee's sale of the estate's one seventh (1/7<sup>th</sup>)  
5 interest in the Property for a one seventh (1/7<sup>th</sup>) pro rata interest in the net proceeds from a  
6 purchase price of approximately \$250,460.00, free and clear of any interest, lien or encumbrance  
7 in accordance with the terms of the PSA attached hereto as Exhibit A and incorporated herein by  
8 this reference. Trustee asserts that the sale is in the best interest of the estate and will provide a  
9 meaningful distribution to creditors.

10                  DATED this 22nd day of October, 2015.

11                  EISENHOWER CARLSON PLLC

12                  By: /s/Terrence J. Donahue

13                  Terrence J. Donahue, WSBA #15193  
14                  Attorneys for Chapter 7 Trustee

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IN GILLETTE, WY - 3  
10304-216/TJD/693828

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